



Contact: Sue Walitsky 202-224-4524
or Susan Sullam 410-962-4436
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SENATOR CARDIN CALLS EPA DECISION ON EMISSIONS ‘WAVER’ “UNACCEPTABLE” AND “WRONG”

WASHINGTON, DC – U.S. Senator Benjamin L. Cardin (D-MD), a member of the Senate Committee on Environment and Public Works (EPW), participated in an oversight hearing of the Environmental Protection Agency’s decision to deny Maryland and 14 other states from adopting the “California Waiver.” This “waiver” would allow Maryland to adopt California’s more stringent vehicle emission standards, which would reduce greenhouse gasses by 30% in all vehicles sold by 2016 as well as providing major reductions in summertime smog. During today’s hearing, Sen. Cardin introduced Maryland Gov. Martin O’Malley, who was testifying.

U.S. SENATOR BENJAMIN L. CARDIN (D-MD) ENVIRONMENT & PUBLIC WORKS COMMITTEE HEARING ON “OVERSIGHT OF EPA’S DECISION TO DENY THE CALIFORNIA WAIVER” OPENING STATEMENT Thursday, January 24, 2008

Last year, this Committee held two hearings which focused on the California Waiver and EPA’s inaction in addition to a hearing on related Supreme Court cases. Today we meet to discuss the EPA’s regrettable decision to deny the State of California’s request for a Clean Air Act waiver - nearly two years after the waiver request was made.

Today’s hearing serves as a first step in having Congress right this wrong.

I look forward to hearing from Maryland Governor Martin O’Malley and the other witnesses. And I also look forward to working with this Committee as we press ahead with legislation that will require EPA do what it should have done two years ago.

I firmly support the responsibility of Federal Agencies to take appropriate regulatory actions without Congressional interference. But when Federal agencies ignore their own scientists and legal experts, legislative intervention becomes necessary.

Senator Barbara Boxer's bill will overturn this wrong-headed decision. I am proud to be an original cosponsor. Today's hearing will highlight the problems with EPA's decision. It will also serve as the first installment of our legislative effort to force the Agency to do the right thing.

At issue in this oversight hearing is not only the extraordinary amount of time the EPA took to formally start the regulatory process, but also the very process itself. Specifically, how the Bush Administration and EPA Administrator Johnson ignored the recommendations of career scientists and lawyers within the EPA to reach their decision regarding the California waiver.

During today's hearing we will hear from a number of witnesses, including governors from some of the states in support of this waiver. They will emphasize the importance this waiver has on their longer term plans to combat mobile source contributions to global warming while simultaneously protecting the health of their citizens and the integrity of the environment. I look forward to hearing this testimony.

Maryland, like a number of other states, has already adopted legislation that would enable it to join with California in regulating greenhouse gas emissions from cars and trucks.

Maryland's Clean Cars program would have reduced carbon dioxide emissions by 7.7 million metric tons by 2025, according to an interim report recently issued by the Maryland Commission on Climate Change.

EPA's denial of this waiver will result in **tons** of additional greenhouse gases polluting the region. That's unacceptable to me and to the citizens of my state and it certainly should be unacceptable to EPA.

Cars that will meet the new greenhouse gas standards will also help to clear our air of nitrogen oxides – a contributor to photochemical smog. In my state, mobile sources are not only the leading cause of smog but are also one of the leading causes of greenhouse gas emissions. We have some of the worst smog in the nation, and during 'Code Red' days, more than 70 percent of the pollution comes from cars and light trucks.

I am pleased with the recently enacted Energy Independence and Security Act, which establishes a higher fuel economy standard of 35 miles per gallon nationwide.

But the goals of a fuel economy standard and a vehicle global warming emissions limit are quite different.

The Department of Transportation sets fuel economy standards to reduce oil use. The DOT is *not* an environmental agency.

The Supreme Court decision in *Massachusetts v. EPA*, held that Section 202 of the Clean Air Act authorizes the EPA to regulate emissions from new motor vehicles on the basis of their possible climate change impacts. Under the Clean Air Act, California has the right to set higher standards for pollution reduction from automobiles, and recent court cases clarify that states have the authority to regulate global warming pollution from mobile sources.

EPA's denial of California's petition is wrong as a matter of policy, wrongly decided by a biased political process, and wrong for the health and safety of the generations who will follow us. It will not stand.

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